

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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# MULTIMEDIA UNIVERSITY

## FINAL EXAMINATION

TRIMESTER 2, 2015/2016

**BLR 3084 – LABOUR AND INDUSTRIAL RELATIONS**

(All Sections/Groups)

8<sup>th</sup> MARCH 2016  
2.30 p.m. -4.30 p.m.  
( 2 Hours )

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### INSTRUCTIONS TO STUDENTS

1. This question paper consists of 2 pages, exclusive of the cover page
2. Choose **FOUR (4)** out of **SIX (6)** questions. No marks will be given for additional answers.
3. Marks are shown at the end of each question.

**QUESTION 1**

Describe comprehensively the differences between a contract of services and a contract for services. Your answer should be supported with statutory provisions where necessary as well as decisions of the courts. Explain why such a distinction is necessary.

(25 Marks)

**QUESTION 2**

Discuss the concept of misconduct under **S.14** of the **Employment Act 1955**. What are the key issues in that provision? You must support your answer with case-law where applicable.

(25 Marks)

**QUESTION 3**

What is Collective Bargaining? Define, explain and discuss the main issues relating to collective bargaining, including its objectives and pre-requisites.

(25 Marks)

**QUESTION 4**

Habib is working as a lecturer for Science University. He is accused by the Dean of the faculty of giving 8 students A for their paper in his subject, Labour and Industrial Relations when the students had actually failed the subject. The Dean states that Habib received gifts from the students in return for the grades. Habib has been issued a notice to attend a domestic inquiry. The notice is dated 4<sup>th</sup> of October 2011, asking him to attend the inquiry on 7<sup>th</sup> October 2011. Habib sends an email to the Dean, informing her that the notice is too short and that he requires a postponement. He also asks whether he could bring his own witness. The Dean rejects both his requests. Habib attends the hearing and finds that the Chairman of the domestic inquiry is the Dean herself. Habib objects to her as she is the complainant. His objection is refused. Habib then walks out of the inquiry which proceeds in his absence. He is then suspended for one week. Habib goes back to work, but the Dean has not given any classes for him to teach. Habib goes to see the Dean and she assures him that he will be assigned classes.

CONTINUED.....

Habib waits for one week and there is still no class for him to teach. Frustrated, Habib resigns and lodges a complaint against Science University. The matter goes to the Industrial Court where Science University alleges that (a) Habib resigned and therefore there was no dismissal under the **Industrial Relations Act 1967** and (b) he was found guilty of misconduct by a domestic inquiry and the Industrial Court should take his misconduct as a relevant factor in deciding whether Science University had acted properly or otherwise. Is Science University correct? Give reasons for your answer, supported by case-law,

(25 Marks)

#### QUESTION 5

What is the purpose of the Employment Injury Scheme under the Social Security Act of 1969? Explain the key provisions of the Scheme, supporting your answer with at least two decisions of the courts.

(25 Marks)

#### QUESTION 6

The employees of Hob Bob Biscuit Factory Sdn Bhd wish to form a trade union. Advise them accordingly, paying particular attention to the powers of the Director-General of Trade Unions under **S.12 of the Trade Union Act 1959**. You should also inform them the definition of trade union as set out under the Act.

(25 Marks)

(TOTAL: 100 Marks)

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